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REMARKS

Claims 1-7, 11, 13-17 and 21-34 are pending in the application. Claims 11 and 13-17 have been withdrawn in response to a restriction requirement.

In the Action, claims 22-24 were rejected under 35 U.S.C. § 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which the Applicants regard as their invention.

Claims 1-6 were rejected under 35 U.S.C. § 102(b) as being anticipated by the Rahman patent (U.S. No. 6,361,317). Claims 1-7 stand rejected under 35 U.S.C. § 102(b) as being anticipated by the Graff patent (U.S. No. 3,324,309). Claims 1-6, 26-30, and 32 were rejected under 35 U.S.C. § 102(b) as being anticipated by the Mick patent (U.S. No. 3,071,162). Claims 1-6, 22, 26-30, and 33 stand rejected under 35 U.S.C. § 102(b) as being anticipated by the Loyd patent (U.S. No. 4,348,247).

Further, claim 31 and 34 were rejected under 35 U.S.C. § 103(a) as being unpatentable over the Loyd patent as applied to claim 26 above. Claim 7 was rejected under 35 U.S.C. § 103(a) as being unpatentable over the Loyd patent as applied to claim 1 above. Claim 21, 23, and 24 were rejected under 35 U.S.C. § 103(a) as being unpatentable over the Loyd patent as applied to claim 1 above and further in view of Official Notice.

It is submitted that the claims as amended have overcome the rejections for the reasons detailed below with regard to independent claims 1 and 26.

The Section 112 Claim Rejections:

In rejecting claims 22-24, it was stated that the variable thickness of the reinforcing insert recited therein renders claim 1 unclear to the extent that claim 1 recites a uniform inner cavity along the length of the reinforcing insert. By this Amendment, claim 22 has been cancelled. Also, claims 23 and 24 have been amended to depend from claim 1 and clarify the subject matter recited therein. Thus, it is submitted that claims 23 and 24 are in an allowable condition and in proper form for an appeal if needed.

The Section 102 Claim Rejections:Claim 1:

In rejecting claim 1, four (4) references have been relied upon, namely: (1) the Loyd patent, (2) the Mick patent, (3) the Graff patent, and (4) the Rahman patent.

By this Amendment, independent claim 1 recites the hollow tube comprised of a metal selected from the group consisting of aluminum, titanium, and a plurality of other strong lightweight metals. Also, claim 1 further recites the reinforcing insert comprised of a layer coupled to an inner surface of the hollow tube, with the layer defining a generally uniform cavity along the length of the reinforcing insert.

The Loyd Patent:

The Loyd patent (Fig. 2) is directed to a reinforced tubular structure 10 comprised of a metal tube 12 with an internal liner 18 that has a variable thickness. The liner 18 defines a substantially narrow cavity in an intermediate portion of the tube and a wider cavity in the opposing end portions of the tube. Specifically, as shown in Figures 4 through 7, the liner 18 is a laminate sheet configured for repeatedly wrapping around a mandrel and forming more layers in the intermediate portion of the tube 12 than in the opposing end portions of the tube. On the other hand, claim 1 recites the reinforcing insert comprised of one layer that defines a generally uniform cavity.

The Mick Patent:

The Mick patent discloses a steel pipe having an inner surface with plastic lining thereon. It is understood that steel is a substantially heavy material. However, as recited in paragraph 7 of the application, one advantage of the claimed invention is to provide a substantially strong yet lightweight handle for allowing a player to expend minimal energy while carrying the stick. To that end, claim 1 recites the hollow tube being comprised of aluminum, titanium, or a variety of other strong lightweight metals.

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The Graff Patent And The Rahman Patent:

Both the Graff patent and the Rahman patent teach a plastic tubular structure reinforced with a metal insert. However, claim 1 recites a hollow metal tube having an inner surface with a reinforcing insert coupled thereto. Claim 1 further recites that the hollow tube is comprised of aluminum, titanium, or various other strong lightweight metals.

Claim 26:

By this Amendment, claim 26 recites limitations similar to those recited in claim 1. Accordingly, it is submitted that claim 26 is novel and allowable for the reasons stated above in support of claim 1.

Moreover, in further contrast to the Graff patent and the Rahman patent, claim 26 recites that the insert is comprised of a lightweight non-metal material. For this additional reason, claims 26-34 are novel and allowable.

The Section 103 Claim Rejections:**The Loyd Patent:**

As described hereinabove, the Loyd patent (Fig. 2) is directed to a reinforced tubular structure 10 including an internal liner 18 with a variable thickness that defines a substantially narrow cavity in an intermediate portion of the tube 12 and a wider cavity adjacent the opposing ends of the tube 12. Also, the liner 18 is comprised of a laminate sheet.

Claim 31:

In rejecting claim 31, it was deemed that the reinforcing insert comprised of foam material was obvious as a matter of design choice. In other words, the cited references do not disclose a reinforcing insert comprised of foam material. Furthermore, claim 31 depends from amended claim 26 and therefore includes the limitations recited therein, which also are not taught or suggested by the cited references. Namely, the Loyd patent teaches a non-uniform cavity along the length of the lining 18 whereas the claimed handle has a uniform cavity generally along the length of the reinforcing insert.

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For these reasons alone, the Applicants submit that the rejection of the claims has been overcome.

In addition, the cited references are nonanalogous art as they do not relate to the same field or endeavor as the claimed lacrosse handle and are not reasonably pertinent to solving the same problem as the claimed handle. For instance, the Loyd patent (col. 2, lines 65-68; col. 4, lines 39-44) is directed to a vehicle drive shaft with an elongated construction for obviating the need for multiple drive shafts and the connecting hardware associated therewith. Further, the Mick patent (col. 1, lines 21-32 and 58-63) relates to a plastic-lined steel pipe with a thermoplastic liner having a coefficient of linear expansion for minimizing stress failure therein as induced by cyclic temperature fluctuations, which are associated with transporting industrial fluids in the plastic-lined steel pipes. Additionally, the Rahman patent and the Graff patent relate to reinforced plastic tubes, with the Rahman patent directed to a dental instrument and the Graff patent (col. 1, lines 54-56) directed to reinforced plastics.

Thus, it is respectfully submitted that the cited references are beyond the scope of the prior art for the claimed invention and therefore cannot be relied upon for rejecting the claims.

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Conclusion:

In view of the foregoing, all of the claims remaining in the case, namely claims 1-7, 21, 23, 24, 26, and 28-34, are in proper form and patentably distinguish from the cited references. Accordingly, allowance of the claims and passage of the application to issuance is respectfully solicited.

Respectfully submitted,
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